

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: July 19, 2006

Division: Community Services

Bulk Item: Yes X No

Department: Social Services

Staff Contact Person: Susan Hawxhurst

AGENDA ITEM WORDING: Approval to rescind Resolution No. 115-1976 and adopt a new Resolution establishing new policy regarding the provision of Social Services; providing for classes of services available; providing criteria for eligibility determination; and providing for an effective date.

ITEM BACKGROUND: The rules, regulations and guidelines established in Resolution No. 115-1976 have become obsolete or inappropriate due to the passage of state and federal legislation, and changes in socioeconomic circumstances of Monroe County and its citizens.

PREVIOUS RELEVANT BOCC ACTION: On July 13, 1976, the Board approved Resolution No. 115-1976, authorizing certain services to indigent citizens of Monroe County.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY: N/A

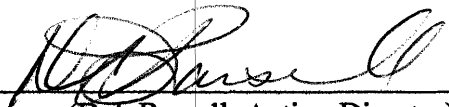
SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes No X

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


(Deb Barsell, Acting Director)

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

RESOLUTION NO. -2006

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 115-1976 AND ESTABLISHING NEW POLICY REGARDING THE PROVISION OF SOCIAL SERVICES; PROVIDING FOR CLASSES OF SERVICES AVAILABLE; PROVIDING CRITERIA FOR ELIGIBILITY DETERMINATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Monroe County, Florida, through its County social services program (hereinafter referred to as "agency"), has been rendering certain services to indigent citizens of Monroe County, Florida, pursuant to Resolution No. 115-1976, and

WHEREAS, the rules, regulations and guidelines established in Resolution No. 115-1976 have become obsolete or inappropriate due to the passage of state and federal legislation, and changes in socioeconomic circumstances of the County and its citizens;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Monroe County, Florida that:

Section 1. Resolution No. 115-1976 is hereby repealed.

Section 2. The County social services program has the general purpose of caring and providing for the elderly, disabled, and indigent people of the County who require assistance until it is provided by private, state and federal economic, social and medical programs. **The County cannot provide assistance for anything covered by existing federal, state, or municipal government, or private (profit or non-profit) programs or by insurance coverage of any individual.** The County does not provide any assistance for transplant or for any elective medical procedure.

Section 3. The County social services agency staff shall determine eligibility of applicants for assistance and balance the needs of eligible applicants with its annually budgeted resources in order to maximize assistance to meet minimum needs consistent with health and decency standards and fostering of the **applicant's responsibility for maximum self-support, maximum self-direction, and active participation in plans for rehabilitation.** Where the agency staff is specified in this Resolution as the entity to take action, the program director, or his/her designee, has authority to act.

Section 4. The County social services agency staff shall offer emergency or temporary assistance while assistance of a more permanent nature is pending pursuant to the following policies.

I. ELIGIBILITY

A) GENERAL: The agency staff shall determine from documents and information provided by each applicant if an applicant meets eligibility guidelines for state or federal programs. An applicant shall not be eligible for **interim County assistance** unless it appears to the agency staff that the applicant would qualify for a municipal, state or federal assistance program, or the applicant can affirmatively show the applicant is qualified for a private program, and the applicant can show he/she has filed applications for said programs.

However, if the applicant is permanently disabled and has received no income for at least ninety (90) days prior to application for assistance, this requirement may be waived. Waiver can be decided only by the program director of the agency and shall be determined on a case-by-case basis. Waste of one's resources for purposes other than modest shelter, food and transportation, and necessary medical expenses shall preclude the applicant from eligibility for assistance.

Any homestead or other statutory exemption from attachment by creditors is excluded from property in determining eligibility.

Transfers of property within the three (3) years prior to application shall be presumed to have occurred with intent to concoct a state of indigence. Unless the applicant can show evidence of a bona fide reason for transfer related to good management of one's assets, assistance will be denied.

B) RESIDENCY: Residency or intent to domicile must be established through evidence such as a Declaration of Domicile, registration with a job service, a long-term lease, or the like.

C) EMPLOYMENT: The applicant must be registered with the South Florida Work Force (or equivalent) employment service and be actively seeking employment if physically able. 'Actively seeking employment' is defined as a person who checks in at least once a week with the employment service, and who does not refuse any employment that they are physically and mentally able to perform, which would enable them to provide for their basic needs. Inability to find work does not make a person unemployable. Agency staff is able to help employable persons to a limited degree only in hardship and emergency situations. In no instance shall County assistance be rendered in the following situations:

1. Applicant married, with either spouse adequately employed or employable, whether or not the applicant's spouse lives in the home or contributes financial resources to the family; or

2. Applicant left job for reasons other than illness or accident, except when other government benefits, public assistance or private benefits (such as pensions and widow's benefits) are scheduled to be received but are not yet being disbursed, in which case determination of assistance shall be made on a month-to-month basis.

D) INCOME: Determining income eligibility. In the absence to the contrary, the Florida Health Care Responsibility Act (HCRA) income guidelines for the current fiscal year will be used to determine eligibility for financial assistance. The income guidelines may be revised at the discretion of the Monroe County Board of County Commissioners.

E) ASSETS: Determining asset eligibility. In the absence to the contrary, the Florida Health Care Responsibility Act (HCRA) asset guidelines and excluded asset guidelines will be used to determine eligibility for financial assistance. The asset guidelines may be revised by resolution at the discretion of the Monroe County Board of County Commissioners.

F) RESTRICTIONS: An applicant receiving assistance from any other public assistance program(s) is ineligible for County assistance under this Resolution, unless a specific need exists that is of an emergency nature and assistance is not otherwise available. If the applicant bases the request for assistance on disability, **medical proof of disability is required**. If an individual does not meet these guidelines, the program director may consider extenuating circumstances which are not contained within the guidelines and approve assistance on a month-by-month basis. Any general assistance such as personal care items or food provided prior to determination of eligibility does not impact or affect eligibility.

G) OTHER:

1. Applicants must verify their place of residence and living situation by producing either a rent receipt, a notarized statement from the landlord or head of household, or a statement with two (2) witnesses and a photo ID.

2. Applicants must sign medical and financial information releases so that the agency can verify an applicant's disability and financial status. Applicants must also sign reimbursement agreement forms. Disabled or aged recipients living on fixed incomes and with no real property other than a homestead property will be excluded from the agency's reimbursement requirements.

3. Applicants must show two (2) forms of personal identification such as a Social Security card, driver's license, voter registration, immigration status identification card, passport, or other forms of identification. Applicants who are aliens must provide original documentation for the agency to photocopy to show that they are not illegally in the United States. Illegal aliens are not entitled to assistance.

4. A home visit will be required in most cases before assistance is granted. The home visit shall be made by a social worker to verify the home situation and to assist an applicant in making efficient use of their own resources. A home visit is required for rental assistance.

5. Applicants must apply for aid from, and pursue all referrals to, other organizations with assistance programs appropriate to their needs.

6. Anyone who is disabled due solely to drugs and/or alcohol usage is ineligible for assistance. An applicant who is disabled and unable to work due to any other condition is eligible for assistance under other guidelines herein, plus the applicant must meet the following conditions to continue eligibility, determined on a quarterly basis:

a.) If the applicant/recipient has a substance abuse problem, he/she must enroll in and fully participate in a treatment program;

b.) If the applicant/recipient is a legal alien who has not become a U.S. citizen, he/she must follow all requirements to become a naturalized citizen;

c.) If the applicant/recipient immigrated to the U.S. prior to August 22, 1996, he/she must rely on family or sponsor and is not eligible for assistance unless verifiable documentation establishes that the family and sponsor are no longer able to provide assistance because of absence of assets and income.

d.) A legal alien who immigrated on or subsequent to August 22, 1996, must reside in the country for five (5) years with a sponsor, or have documents to show that asylum without a sponsor was granted by the

United States, in addition to all other requirements before becoming eligible for assistance under this Resolution.

7. Specific programs have additional conditions as noted herein.

8. In absence of any specificity to the contrary of the above guidelines, the Florida Health Care Responsibility Act (HCRA) eligibility guidelines will be used to determine the look back period of time to be considered to be used in determining eligibility for financial assistance.

H) APPEALS: An applicant who is dissatisfied with the decision of the social worker may request a review of the case by the agency's program director. A request for review of the program director's decision may be made to the Community Services Division Director. Each review must be requested within five (5) working days after the decision was rendered. A review shall be conducted within five (5) working days after receipt of the request from the applicant. If the program director or the Community Services Division Director is on leave for the five (5) working days following receipt of the request, a designee may conduct the review. If the Community Services Division Director's review does not resolve the applicant's complaint, the applicant has the right to request a fair hearing.

Fair Hearing Procedure: The applicant has ten (10) calendar days after receiving the decision resulting from the Community Services Division Director's review to file a complaint and petition for hearing. The purpose of the hearing is to provide the applicant a forum before a hearings officer to explain the reasons the applicant feels the decision should be altered.

The hearing shall be recorded and may be transcribed at the expense of the party requiring the transcript. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the hearings officer finds it competent and reliable, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in a court of law. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. The hearings officer may exclude irrelevant and unduly repetitious evidence.

Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination; to impeach any witness, regardless of which party first called that witness; and to rebut the evidence against the party.

A decision shall be made by the hearings officer within five (5) days after the close of the hearing. The decision shall be mailed, postage prepaid, or transmitted by facsimile to the applicant at the address designated by the applicant for purposes of notice.

II. SERVICES TO BE DELIVERED OR RENDERED TO INDIGENTS

A) GENERAL ASSISTANCE:

1. Food and Dietary – Food may be provided by agency staff on an emergency basis with food orders through participating local grocery stores for sufficient supplies to last the time period necessary to obtain food stamps. A recipient who is not eligible for food stamps may obtain one (1) week's food supply no more than twice in any calendar year unless an exception is approved by the program director.

2. Clothing and personal care items – Clothing and toiletries may be provided for victims of disasters or individuals who have pending other assistance or employment.

3. Transportation – Eligible individuals may obtain non-refundable bus tickets to medical facilities, their families' homes, or to support networks as is in the best interests of the client and the County. Transportation vouchers for the transportation disadvantaged may be provided. Alternate transportation assistance may be approved by the program director to resolve a critical situation.

4. Lodging Assistance

a. General – Shelter and utilities assistance are limited to three (3) months, unless extended for an additional three (3) months based on the agency's quarterly evaluation of the recipient's circumstances. No individual shall receive more than a total of twelve (12) months of non-reimbursed assistance during their lifetime. No assistance can be provided to pay deposits for last month's rent, security, or utilities.

b. Shelter – Emergency payment of rent may be provided on a temporary basis for extensively disabled or aged individuals who are not receiving assistance from any other organization and who have depleted any bank and/or savings accounts and have no care provider. An extensive disability is defined as any medical or psychiatric condition which has or will incapacitate the applicant for at least six (6) weeks. Applicants must furnish the agency staff with written verification from a doctor to establish their disability status. An aged person is defined as any person over the age of sixty (60). Age must be verified by either proper identification, documents, or by verification from other public organizations, such as the Social Security Administration.

c. Utilities – Emergency payment may be made for utilities (electricity, water, sewer, gas, and trash) for extensively disabled or aged individuals who are not receiving assistance from any other organization. Assistance may be provided for basic telephone service if a telephone is medically necessary.

B) PAUPER BURIALS/CREMATIONS:

Burial or cremation services may be provided through a contracted participating funeral home for remains of individuals with no identifiable source of payment for burial expenses, except that the existence of family members within two (2) degrees of sanguinity shall be considered an identifiable source of payment of the burial expenses, unless the relative(s) can show proof of inability to pay the cost of the burial expenses. If a decedent is unclaimed by any relative, a release must be obtained from the Sheriff's Department or other appropriate law enforcement agency when the cause of death warrants, and the Medical Examiner, before a County pauper burial or cremation can be approved by agency staff.

C) MEDICAL ASSISTANCE:

1. Physician's Services – The County may pay for medical treatment of certain chronic or emergency medical conditions if the physician's services are provided by local participating physicians who accept as payment in full for County indigents at an amount no greater than that established by the current Physician Terminology code or similar establishment of customary fees.

2. Drugs – The agency may allow a monthly medicine allowance at participating drug stores for the purchase of prescription medications. Only aged and disabled individuals and persons with extenuating circumstances who require temporary assistance may obtain prescription medication through this program. The maximum monthly medication allowance may change yearly based upon availability of funds. When extenuating circumstances can be verified, a larger allowance would be limited to only one (1) month or such other temporary

basis as the extenuating circumstances are deemed by the program director to warrant an exception.

3. Medical Supplies and Equipment – Agency staff may pay for the purchase of medical supplies such as bandages, dressings, syringes, etc., which are not prescribed medications, and for prescribed equipment and prosthetic devices only for those persons eligible for assistance under some other provision of this Resolution.

4. Out-Patient Services – Agency staff may pay for out-patient treatment at participating local hospitals for eligible individuals for critical care services, including X-ray and laboratory services, but only if no other assistance is available and only at or less than the Medicare or Medicaid approved rate for such services.

5. Ambulance – Agency staff may pay for ambulance services provided by local participating ambulance companies for persons eligible for other services under this Resolution, and only for emergency ambulance service to treatment centers or transfers from one facility to another.

6. In-Patient Hospital Services – The County may pay for emergency or urgent hospitalization of County indigents at participating local or out-of-county hospitals. Hospitalization services shall be provided only for the acutely ill or injured person with an urgent illness who may respond to short-term remedial treatment, the postponement of which may constitute a hazard to the patient's life or would cause undue suffering. The County may pay for a maximum hospital stay of twelve (12) days per admission, at the Medicaid per diem rate for which the County has contracted with the hospital, or at the current Medicaid per diem rate if there is no County hospital contract. Agency staff may consider extending the hospitalization services upon verification of the medical necessity for such an extended period. No case requiring more than forty-five (45) days in-patient care within a twelve (12) month period can be approved. Individuals certified for Medicare or Medicaid or any other hospitalization coverage through insurance, Veteran's Assistance (VA), or other programs are excluded from this program.

D) MEDICARE/MEDICAID BILLING:

Agency staff shall process all paperwork requiring the County to pay a share of Medicare and Medicaid nursing home and hospital billing for county residents.

III. HCRA AND OTHER FEDERAL OR STATE PROGRAMS

Participation in the Health Care Responsibility Act programs shall be governed by HCRA rules promulgated by the State of Florida. In participating in or administering other federal or state programs, the County shall abide by the federal or state rules established for the particular programs, except when the County has specifically established a rule which differs from the federal or state rule.

IV. AGENCY PROCEDURES

County social services agency staff shall supervise the administration of the above services. The staff shall be responsible for cooperating and coordinating with other organizations, defining and determining the basic needs of the clients, and making every effort to adequately provide such needs. The use of existing public service organizations shall be exhausted before the agency expends any County funds. The County agency's services listed

herein are available to individuals who are determined eligible by agency staff according to their income and ability to pay, giving consideration to the person's family circumstances. Applicants must provide agency staff with all information and documents necessary to verify that they meet the income, asset, and neediness requirements to obtain assistance under this Resolution.

Decision and actions taken shall be based on the date of application. Where prior time periods are listed, the time period is gauged by the application date. Where limitations exist on procedures, they run from the date of application.

Section 5. The effective date of this Resolution shall be August 1, 2006.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, AD, 2006.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____
Commissioner Glenn Patton	_____

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Mayor/Chairman

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:



SUZANNE A. HUTTON
COUNTY ATTORNEY

Date 7/05/06